

**COMMONWEALTH OF KENTUCKY  
CITY OF TAYLORSVILLE  
SPENCER COUNTY, KENTUCKY**

**ORDINANCE NO. 315**

**AN ORDINANCE AMENDING SEWER USE ORDINANCE  
#215, ADDING PARAGRAPH 11 TO ARTICLE IV,  
SECTION C TO REQUIRE BACKFLOW PREVENTION  
DEVICES ON NEW AND REHABILITATED SEWER  
SERVICE LINES.**

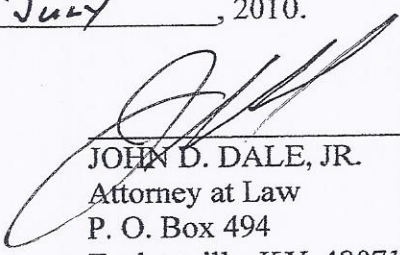
**SUMMARY OF  
CITY OF TAYLORSVILLE  
ORDINANCE NO. 315**

This is a summary of Ordinance No. 315, an Ordinance Amending Ordinance No. 215, Sewer Use Ordinance of the City of Taylorsville, Spencer County, Kentucky, adding paragraph 11 to Article IV, Section C to require backflow prevention devices on new and rehabilitated sewer service lines. The full text of the ordinance is on file and may be reviewed at City Hall for the City of Taylorsville, 70 Taylorsville Road, Taylorsville, Kentucky 40071.

**CERTIFICATION**

I certify that I am a licensed and practicing attorney in the Commonwealth of Kentucky and the foregoing Summary was prepared by myself in accordance with KRS 82A.060 (9).

WITNESS my hand this the 6 day of July, 2010.

  
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## ARTICLE I – GENERAL PROVISIONS

### A. Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system of the City of Taylorsville and enables the City of Taylorsville to comply with all applicable State and federal laws required by the Clean Water Act of 1977 and the general Pretreatment Regulations (40 CFR, Part 403).

The objectives to this ordinance are:

1. to prevent the introduction of pollutants into the City wastewater system which will interfere with the operation of the system or contaminate the resulting sludge,
2. to prevent the introduction of pollutants into the City wastewater system which will pass through the system inadequately treated into receiving waters so as to cause violations of the City of Taylorsville's KPDES permit or the atmosphere or otherwise be incompatible with the system;
3. to improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
4. to provide for equitable distribution of the cost of the City wastewater system; and
5. to provide for the safety of the treatment plant employees.

This ordinance provides for the regulation of the direct and indirect contribution to the City wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This ordinance shall apply to the City of Taylorsville and to persons outside the City of Taylorsville, who are, by contract or agreement with the City, users of the City of Taylorsville Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the Administrator shall administer, implement, and enforce the provisions of this ordinance.

### B. Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated;

1. ACT or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. Seq.



2. Approval Authority. The Secretary of the Kentucky Natural Resources and Environmental Protection Cabinet or an authorized representative thereof.
3. Authorized Representative. An authorized representative of a user may be: (1) a principal executive officer of at least the level of a vice-president, if the industrial user is a corporation; (2) a general partner or proprietor if the user is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

An authorized representative of the City of Taylorsville may be any person designated by the City to act on its behalf.

4. Baseline Monitoring Report (BMR). A report submitted by categorical industrial users within 180 days after the effective date of a categorical standard which indicated the compliance status of the user with the applicable categorical standard (40 CFR 403.12 (b)).
5. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees Celsius expressed in terms of weight and concentration in milligrams per liter ( $\text{mg/l} \times \text{mgd} 8.34$ ).
6. Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, water, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
7. Building Sewer. The extension from the building drain to the public sewer or the place of disposal, also called "house connection."
8. Building Sewer Permit. As set forth in "Building Sewers and Connections" (Article IV).
9. Categorical Industrial user. An industrial user subject to categorical pretreatment standards, which have been promulgated by EPA.
10. Categorical pretreatment Standards. National Categorical Pretreatment standards or Pretreatment Standard. Any regulation containing pollutant discharge limits set forth by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347), which applies to a specific category of industrial users.
11. Clean Water Act (CWA). (Also known as the Federal Water Pollution Control Act) enacted by Public Law 92-500, October 18, 1972. 33 USC 1251 et seq. as amended by PL 95-217, December 28, 1977; PL 97-117, December 29, 1981; PL 97-440, January 8, 1983, and PL 100-04, February 4, 1987.

12. Combined Sewer. Any conduit designed to carry sanitary sewage and storm water or surface water.
13. Combined Wastewater Formula (CWF). Procedure for calculating alternative discharge limits at the industrial facilities where a regulated wastestream is combined with other non-regulated wastestream prior to treatment (40 DFR 403.7).
14. Compatible Pollutant. Biochemical oxygen demand, suspended solids and fecal coliform bacteria; plus any additional pollutants identified in the POTW's NPDES/KPDES permit, where the POTW is designed to treat such pollutants and, in fact, does treat such pollutants so as to ensure compliance with the POTW's NPDES/KPDES permit.
15. Concentration-based Limit. A limit based on the relative strength of a pollutant in a wastestream, usually expressed in mg/l.
16. Control Authority. The term "control authority" shall refer to the Sanitation District when there exists an approved Pretreatment Program under the provisions of 40 CFR 403.11.
17. Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
18. Daily maximum. The maximum allowable value for any single observation in a Given day.
19. Daily Wastestream. Boiler blowdown, sanitary wastewater, noncontact cooling water and certain process wastestreams that have been excluded from regulation in categorical pretreatment standards because they contain none or only trace amounts of the regulated pollutant.
20. Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Kentucky.
21. Discharger. Any person that discharges or causes a discharge to a public sewer.
22. Domestic Wastewater. The water-carried produced from non-commercial or non-industrial activities and which result from normal human living process.
23. Easement. An acquired legal right for the specific use of land owned by others.
24. Effluent. The liquid overflow of any facility designed to treat, convey or retain wastewater.
25. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.



26. Equipment. All movable, non-fixed items necessary to the wastewater treatment process.
27. Flow Proportional Composite Sample. Combination of individual samples proportional to the flow of the wastestream at the time of sampling.
28. Flow Weighted Averaging Formula (FWA). A procedure used to calculate alternative limits for a categorical pretreatment standard where regulated and non-regulated wastestreams combine after treatment, but prior to the monitoring point as defined in 40 CFR 403.
29. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
30. Grab Sample. A sample of which is taken from a wastestream on a one-time basis with no regard to the flow in the stream and without consideration of time.
31. Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
32. Incompatible Pollutant. All pollutants other than compatible pollutants as defined in paragraph 14 of this article.
33. Indirect Discharge. The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharge into the system).
34. Industrial User (IU). A source of Indirect Discharge, which does not constitute a "discharge of pollutants" under regulations, issued pursuant to Section 402 of the Clean Water Act.
35. Industrial Wastes. The wastewater from industrial or commercial process as distinct from domestic or sanitary wastes.
36. Interceptor. A device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal wastes, which permits normal sewage or liquid wastes to discharge into the sewer or drainage system by gravity. Interceptor as defined herein is commonly referred to as a grease, oil, or sand trap.
37. Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
  - a. Inhibits or disrupts the POTW, its treatment process or operations, or its sludge process, use or disposal; and

- b. Therefore is a cause of a violation of any requirement of the POTW's NPDES/KPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or more stringent State or Local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act (40 CFR 403.3).
38. May. This is permissive (see "shall," paragraph 68).
39. Monthly Average. The maximum allowable value for the average of all observations obtained during one month.
40. Multi-Unit Sewer Customer. A location served where there are two or more residential units or apartments, two or more businesses in the same building or complex or where there is any combination of business and residence in the same building or complex.
41. National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits set forth by the EPA in accordance with Section 307 (b) and (c) of the Clean Water Act, which applies to a specific category of industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.
42. National (or Kentucky) Pollutant Discharge Elimination System or NPDES/KPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1332), or a permit issued by the Commonwealth of Kentucky under this authority and referred to as KPDES.
43. Natural Outlet. Any outlet, including storm sewers, into a water course, pond, ditch, lake, or other body of surface or groundwater
44. New Source. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307 (c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provide that:
- i. The building, structure, facility or installation is constructed at a site at which no other source is located; or
  - ii. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or



- iii. The production or wastewater generating processes of the building, structures, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity, as the existing source should be considered.
- 45. Ninety (90) Day Compliance Report. A report submitted by a categorical industrial user, within 90 days following the date for final compliance with applicable categorical standards that documents and certifies the compliance status of the user (40 CFR 403.12 (d)).
- 46. Ordinance. This ordinance, unless otherwise specified.
- 47. Pass Through. A discharge of pollutant which cannot be treated adequately by the POTW, and therefore exists into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES/KPDES permit (including an increase in the magnitude or duration of a violation) (40 CFR 403.3).
- 48. Periodic Compliance Report. A report on compliance status submitted by significant industrial users to the Control Authority (City of Taylorsville) at least semiannually (40 CFR 403.12 (e)).
- 49. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estates, government entity of any other legal entity, or their legal representatives, agent or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- 50. pH. The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in the grams per liter of solution.
- 51. Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- 52. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, municipal, and agricultural waste discharge into water.
- 53. POTW Treatment Plant (City of Taylorsville). That portion of the POTW designed to provide treatment to wastewater.
- 54. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of the pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process change(s), or other means, except as prohibited by 40 CFR 403.6(d).



55. Process Wastewater. Any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, by-product, or waste product.
56. Production-based Standard. A discharge limitation expressed in terms of allowable pollutant mass discharge rate per unit of production and is applied directly to an industrial user's manufacturing process.
57. Prohibitive Discharge Standard. Any regulation developed under the authority of 307 (b) of the Act and 40 CFR, Section 403.(5).
58. Properly Shredded Garbage. The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any directions.
59. Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City of Taylorsville. This definition also includes any sewers of the Sanitation District that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purpose of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City of Taylorsville who are, by contract or an agreement with the City of Taylorsville, users of the City of Taylorsville's POTW or collection system.
60. Public Sewer. A common sewer controlled by a government agency or public utility. In general, the public sewer shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer on private property and the service branch to the extent of ownership by public authority.
61. Regulated Wastestream. An industrial process wastestream regulated by a National Categorical Pretreatment Standard.
62. Sanitary Sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.
63. Sewage. The spent water of a community. Domestic or sanitary waste shall mean the liquid or water-carried wastes from residences, commercial buildings, and institutions as distinct from industrial sewage. The terms "sewage" and "wastewater" are used interchangeably.
64. Sewerage. Any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater.
65. Sewer User Charges. A system of charges levied on users of a POTW and/or collection system for the cost of operation and maintenance, including replacement, or such works.
66. Sewer System or Works. All facilities for collecting, transporting, pumping, treatment and disposing of sewage and sludge, namely the sewerage system and the POTW.



67. Sewer. A pipe or conduit that carries wastewater or drainage water.
68. Shall. Is mandatory (see "may", paragraph 38).
69. Significant Industrial User (SIU). Defined by the EPA guidance as: (A) all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N; and (B) any noncategorical industrial user that (i) discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excludes sanitary noncontact cooling, and boiler blowdown wastewaters) or (ii) contributes a process wastestream which makes up to five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant or (iii) has a reasonable potential, in the opinion of the Control or Approval Authority, to adversely affect the pollutants, sludge contamination or endangerment of POTW workers or sewer system workers).
70. Slug discharge. Any discharge of a non-routine episodic nature including, but not limited to an accidental spill or non-customary batch discharge or any discharge of water or wastewater in which the concentration of any given constituent or quantity of flow exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow rate during normal operation which adversely affects the POTW.
71. Slug Load. Any pollutant (including Biochemical Oxygen Demand) released in a discharge at a flow rate or concentration which will cause interference with the operation of the treatment works or which exceeds limits set forth in the Industry's Discharge Permit and which include accidental spills.
72. Spill Prevention and Control Plan. A plan prepared by an industrial user to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.
73. Split Sample. Portion of a collected sample given to the industry or to another agency to verify or compare laboratory results.
74. Standard Industrial Classification (SIC). A classification scheme based on the type of industry or process at a facility.
75. Standard Methods. The examination and analytical procedures set forth in the recent editions of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation and as set forth in the Congressional Record 40 CFR 136.
76. State. Commonwealth of Kentucky.
77. Storm Drain (Sometimes Termed "Storm Sewer"). A drain or sewer for conveying water, groundwater, surface water, or unpolluted water from any source.
78. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting there from.

79. Superintendent/Administrator. The person designated by the City of Taylorsville to supervise the publicly owned treatment works (POTW) and who is charged with certain duties and responsibilities by this article or his duly authorized representative.
80. Surcharge. A charge for services in addition to the basic sewer user and debt service charges, for those users whose contributions contain Biochemical Oxygen Demand (BOD5), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Oil & Grease or Ammonia-nitrogen (NH3-N) in concentrations which exceed limits specified herein for such pollutants. Where authorized by the control authority, payment of a surcharge will authorize the discharge of the referenced pollutants so long as the discharge does not cause pass through or interference.
81. Suspended Solids (TSS). Total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater".
82. Time Proportional Composite Sample. Combination of individual samples with fixed volumes taken at specific time intervals.
83. Toxic Organic Management Plan. Written plan submitted by industrial users as an alternative to TTO monitoring, which specifies the toxic organic compounds used, the method of disposal used and procedures for assuring that toxic organics do not routinely spill or leak into wastewater discharged to the POTW.
84. Toxic pollutant. Any pollutant or combination of pollutants listed as toxic in regulations set forth by the Administrator of EPA under the provisions of the Clean Water Act 307 (a) or any amendments thereto.
85. Unpolluted Water. Water of quality equal to or better than the treatment works effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities.
86. Unregulated Wastestream. A wastestream that is not regulated by a National Categorical Pretreatment Standards.
87. User. Any person, who contributes, causes or permits the contribution of wastewater into the sewer system or POTW.
88. Wastewater. The spent water of a community. Sanitary or domestic wastes shall mean the liquid and water-carried wastes from residences, commercial buildings and institutions as distinct from industrial waste.
89. Wastewater Discharge Permit (WDP). A permit issued to industrial users which authorizes discharges to public sewer as set forth in the Administration Section of this Ordinance (article VI).



90. Wastewater Facilities. The structures, equipment, and processes required to collect, carry away, treat domestic and industrial wastes, and dispose of the effluent.
91. Wastewater Treatment Works An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant" or "sewage treatment plant."
92. Watercourse. A natural or artificial channel for the passage of waters either continuously or intermittently.
93. Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State or any portion thereof.

#### C. Abbreviations

The following abbreviations shall have the designated meanings:

ADMI	-	American Dye Manufacturers Institute
ASTM	-	American Society for Testing and Materials
BMP	-	Best Management Practices
BOD	-	Biochemical Oxygen Demand
BPJ	-	Best Professional Judgment
CFR	-	Code of Federal Regulations
CIU	-	Categorical Industrial User
COD	-	Chemical Oxygen Demand
CWA	-	Clean Water Act (33 U.S.C. 1251 <u>et seq.</u> )
CWF	-	Combined Wastestream Formula
EPA	-	Environmental Protection Agency
FR	-	<u>Federal Register</u>
gpd	-	gallons per day
IU	-	Industrial User

KPDES	-	Kentucky Pollutant Discharge Elimination System
l	-	Liter
mg	-	Milligrams
mg/l	-	Milligrams per Liter
NPDES	-	National Pollutant Discharge Elimination System
POTW	-	Publicly Owned Treatment Works
RCRA	-	Resource Conservation and Recovery Act
SIC	-	Standard Industrial Classification
SIU	-	Significant Industrial User
SWDA	-	Solid Waste Disposal Act, U.S.C. 3901, <u>et seq.</u>
TSS	-	Total Suspended Solids
TTO	-	Total Toxic Organics
USC	-	United States Code

## ARTICLE II - USE OF PUBLIC SEWERS

### A. Mandatory Sewer Connection

1. The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Sanitation District and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located on a public sanitary sewer of the City of Taylorsville, is hereby required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the proper sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.
2. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater where public sanitary sewer service is available, as defined in paragraph 1, except as provided for in "Private Wastewater Disposal" (Article III).
3. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public system within sixty (60) days in compliance with this ordinance, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed.

### B. Unlawful Discharge to Storm Sewers or Natural Outlets

1. It shall be unlawful for any person to place, deposit or permit to be deposited any pollutant in any unsanitary manner on public or private property within the City of Taylorsville, or in any area under the jurisdiction of said City of Taylorsville, except in compliance with the provisions of this ordinance.
2. It shall be unlawful to discharge to any natural outlet or storm sewer within the City of Taylorsville or in any area under the jurisdiction of said City, any sanitary wastewater or other polluted waters, except where suitable treatment or management has been provided in accordance with subsequent provisions of this ordinance. No provision of this ordinance shall be construed to relieve the owner of a discharge to any natural outlet of the responsibility for complying with applicable State and Federal Regulations governing such discharge.

### C. Compliance with Local, State and Federal Laws

1. The discharge of any wastewater into the public sewer system by any person is unlawful except in compliance with the provisions of this ordinance, and any more stringent State or Federal Standards promulgated pursuant to the Federal Water Pollution Control Act